

free speech and censorship when, in fact, it would hamstring our Federal officials.

This amendment adds dangerous changes to the bill that would make it even more difficult for our Federal officials to do their job.

I am opposed to the amendment, and I am strongly opposed to the bill itself.

Mr. Chair, I reserve the balance of my time.

Mr. ROSE. Mr. Chair, I yield myself the balance of my time.

By voting "yes" on Amendment 10, Members are reaffirming their commitment to transparency and government accountability. If my amendment passes, along with the underlying bill, the American people will be more well-informed of violations of the underlying bill.

In closing, I urge Members to vote "yes" on my amendment and the underlying bill.

Mr. Chair, I yield back the balance of my time.

Ms. STANSBURY. Mr. Chair, I think we have well established that not only the premise of this bill, but many of the requirements in it, are dangerous for our Federal law enforcement, dangerous to our constitutional rights, dangerous to the American people, and dangerous to our national security and our electoral system.

Yet, the way it is being proposed to the American people is that it will defend their rights and their rights to speak freely under the First Amendment.

During our markup of this bill, we talked about gaslighting. Gaslighting is the act of when somebody in authority actually makes you believe you are crazy because the truth of what is occurring is actually the opposite.

This bill is a dangerous gaslighting of the American people. We will not stand for it. It is dangerous to our democracy. It is dangerous to our elections, and it is dangerous for the people of this country.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR (Mr. ROUZER). The question is on the amendment offered by the gentleman from Tennessee (Mr. ROSE).

The amendment was agreed to.

The Acting CHAIR. The question is on the amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. AMODEI) having assumed the chair, Mr. ROUZER, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 140) to amend title 5, United States Code, to prohibit Federal employees from advocating for censorship of viewpoints in their official capacity, and for other purposes, and, pursuant to House Resolution 199, he

reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole?

If not, the question is on the amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

#### MOTION TO RECOMMIT

Mr. LANDSMAN. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Landsman of Ohio moves to recommit the bill H.R. 140 to the Committee on Oversight and Accountability.

The SPEAKER pro tempore. Pursuant to clause 2(b) of rule XIX, the previous question is ordered on the motion to recommit.

The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. LANDSMAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question are postponed.

#### PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF THE RULE SUBMITTED BY THE DEPARTMENT OF THE ARMY, CORPS OF ENGINEERS, DEPARTMENT OF DEFENSE AND THE ENVIRONMENTAL PROTECTION AGENCY

Mr. GRAVES of Missouri. Mr. Speaker, pursuant to House Resolution 199, I call up the joint resolution (H.J. Res. 27) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of the Army, Corps of Engineers, Department of Defense and the Environmental Protection Agency relating to "Revised Definition of 'Waters of the United States'", and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Pursuant to House Resolution 199, the joint resolution is considered read.

The text of the joint resolution is as follows:

#### H.J. RES. 27

*Resolved by the Senate and House of Representatives of the United States of America in*

*Congress assembled,* That Congress disapproves the rule submitted by the Department of the Army, Corps of Engineers, Department of Defense and the Environmental Protection Agency relating to "Revised Definition of 'Waters of the United States'" (88 Fed. Reg. 3004 (January 18, 2023)), and such rule shall have no force or effect.

The SPEAKER pro tempore. The joint resolution shall be debatable for 1 hour, equally divided and controlled by the chair and ranking minority member of the Committee on Transportation and Infrastructure or their respective designees.

The gentleman from Missouri (Mr. GRAVES) and the gentleman from Washington (Mr. LARSEN) each will control 30 minutes.

The Chair recognizes the gentleman from Missouri (Mr. GRAVES).

#### GENERAL LEAVE

Mr. GRAVES of Missouri. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on H.J. Res. 27.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. GRAVES of Missouri. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am proud to rise in support of H.J. Res. 27, which I introduced, to negate an ill-timed and ill-conceived rule coming out of the Biden administration which, if Congress fails to act, will go into effect later this month.

The Clean Water Act is landmark legislation that was signed into law 50 years ago that has greatly improved the health of the Nation's waters.

Unfortunately, we have consistently seen increasingly expansive interpretations of the Clean Water Act result in the implementation of a flawed and overreaching water policy. This has hindered our ability to achieve the Clean Water Act's true underlying water quality goals.

There is no clearer example of this overreach than the debate over the definition of waters of the United States, or WOTUS.

Decades of agency interpretation and misinterpretations have created uncertainty for rural communities, for farmers, for ranchers, for businesses and industries who rely on clean water.

Although the 2020 Navigable Waters Protection Rule finally provided long-awaited clarity on the scope of WOTUS, the new administration decided to unravel the water protection rule and attempt to replace it, once again, creating confusion and chaos.

The definition of WOTUS matters to the everyday lives of people all over the country, including in my district.

For instance, I have a constituent who wanted to build a pond on his property and had received local and State permits to do just that. But then the Army Corps of Engineers, they stepped in and they said he would have

to spend \$165,000 in environmental mitigation. This is absolutely outrageous.

Returning to a more costly, burdensome, and broad WOTUS definition could have a massive impact on local communities and Americans' ability to do their jobs and manage their own private property.

I urge support of this joint resolution to stop this burdensome and overreaching WOTUS rule.

Mr. Speaker, I reserve the balance of my time.

Mr. LARSEN of Washington. Mr. Speaker, I yield myself such time as I may consume.

Clean water is a human right, and the health and safety of our communities and the success of our economy depend upon it.

House Democrats stand for clean water, and today, I rise to oppose H.J. Res. 27.

Last Congress, we passed a bipartisan, once-in-a-generation investment in our Nation's infrastructure through the bipartisan infrastructure law, investing almost \$13 billion in clean water infrastructure upgrades and creating jobs in communities across this country.

The BIL showed what Congress can do when we focus on the needs of American families. Yet, instead of putting people over pollution, this CRA does the opposite.

Now, my State of Washington is defined by its clean water, including the health of the Puget Sound and the hundreds of lakes and thousands of miles of rivers and streams throughout the State.

My constituents know that rivers, streams, and wetlands, are intrinsically connected. Pollution that starts in one body of water does not stay put.

House Democrats believe we can protect clean water, while providing certainty to businesses, to farmers, to Americans who depend upon clean water for their lives and livelihoods.

This is especially true for the 117 million Americans who depend on smaller streams as a source of their drinking water at a time when many States are facing historic droughts.

My colleagues on the other side of the aisle say they want clean water rules that are simple, clear and easy to follow. I want that, too.

The Biden administration's Clean Water Restoration Rule does exactly that; following the law and the science of protecting clean water and providing regulatory certainty and stability to the implementation of the Clean Water Act.

This resolution does the opposite. This resolution will not bring back the previous administration's Navigable Waters Protection Rule, which removed Federal protections on roughly half of the Nation's wetlands and 70 percent of its rivers and streams.

That rule was rightly rejected by a Federal court in 2021, as "fundamentally flawed" and likely to cause "seri-

ous environmental harm" every day it remained in effect. It is off the table entirely.

This resolution before us today will also not eliminate the use of the "significant nexus" test because that test was mandated by the U.S. Supreme Court. It has been in effect since the Bush administration and remains in place today.

□ 1245

However, this resolution will adversely impact farmers, ranchers, and developers by creating regulatory chaos and eliminating important exclusions that have been codified in the new rule to help water-dependent businesses and farmers to understand and comply with the law.

Now, despite fear-mongering on this issue, the truth is simple. The Biden proposal will have no impact on the average family farmer in this country. Why? That is because farmers are, by law, largely exempt from the Clean Water Act permitting requirements where less than 1 percent of all annual wetlands permits relate to agricultural activities nationwide.

Therefore, if your farm is engaged in normal farming, forestry, and ranching activity, or undertakes the construction or maintenance of a farm, stock pond, or irrigation ditch, you are exempt from the permitting requirements of the act, and the current proposal does not change that exemption.

Finally, for those waiting to see whether the Supreme Court will somehow fix this issue in the upcoming Sackett case, this resolution will actually hinder the ability of the Corps and the EPA to respond to the Supreme Court's potential recommendations later this year.

That is why this resolution before us makes no sense. It would invalidate the Biden rule and all the clarifications and exceptions for business it contains in favor of a similarly structured but much less clear regulatory framework. That is a recipe for uncertainty, legal battles, and continued gridlock, the opposite of what proponents say they are looking for. It would also tie the hands of Federal agencies seeking to help individuals comply with the law, unless Congress acts again.

This shortsighted action will lessen, not increase, certainty. It is a big mistake. I support the administration's efforts to efficiently implement the critical water infrastructure investments included in the BIL so we can begin to realize the public health, economic, and environmental benefits that come with clean water.

This resolution represents a giant step backward for clean water, increases uncertainty for farmers, homebuilders, roadbuilders, and all American families, and doubles down on the infighting and chaos.

I urge my colleagues to join me in opposing H.J. Res. 27 and move together toward a future with predictability for those that need it and clean

water for communities that cannot survive without it.

Mr. Speaker, I reserve the balance of my time.

Mr. GRAVES of Missouri. Mr. Speaker, I yield 2½ minutes to the gentleman from North Carolina (Mr. ROUZER), the cosponsor of the resolution.

Mr. ROUZER. Mr. Speaker, I will note that you are exempt until you are not exempt.

I rise in support of H.J. Res. 27. This is a very important and crucial resolution that we pass. There is no greater example of bureaucratic overreach under the Clean Water Act than the longstanding regulatory ordeal of understanding and complying with the definition of "waters of the United States," or WOTUS, as we call it.

Despite the benefits of the Clean Water Act, its history has been wrought with the tortured past stemming from regulatory headaches and overreach from bureaucrats, all because Congress never defined what a "navigable water" is. Many times, this combination has led to uncertainty for individuals and the more formally regulated communities.

The reality is, this resolution is only necessary because of the Biden administration's decision to publish a new definition of "waters of the United States" under the Clean Water Act. It is very important that Congress ensures this overreaching definition has no force.

Now, in my mind, regulations should carry out the intent of the law in a simple, easily understood, and transparent manner, leaving no wiggle room for any bureaucrat to substitute their own biases and hijack the process. Unfortunately, that is not the case with this new WOTUS rule.

Put simply, this rule is the equivalent of a nuclear warhead aimed right at our farmers, communities, homebuilders, roadbuilders, and private property owners, among many others. The ramifications of its implementation will be far and wide, affecting the prosperity and economic opportunity of all Americans. As of March 20, that nuclear warhead is going to be launched.

Once the Federal Government has complete control over the definition of a "water," because of an arbitrary and ambiguous definition, it will then have control over everything else that is applied to the land, whether it be application of pesticides or herbicides or the building of a fence or a shed or anything else.

A farmer, homeowner, or any other property owner could be prosecuted for these simple and customary actions because a bureaucrat decides that what they have done affects a "navigable water."

So let's be clear. Ambiguity and subjectivity enshrined by an environmental rule are no friends of freedom, the production of food or other goods, or prosperity.

Despite what supporters of the Biden WOTUS rule say, it will do nothing to

bring forth certainty and consistency, except for the trial lawyers and radical environmentalists who are most certainly consistent and persistent in their work to use the executive and judicial branches of government to essentially halt the work of, and extort from, those who produce.

I am proud to cosponsor and support this legislation, Mr. Speaker. I encourage my colleagues to vote for it.

Mr. LARSEN of Washington. Mr. Speaker, I yield 3 minutes to the gentlewoman from New Mexico (Ms. STANSBURY).

Ms. STANSBURY. Mr. Speaker, I rise today as a proud daughter of New Mexico, as a water resources professional, and as a defender of the most basic element that we need to survive, which is water.

In New Mexico, water is life, water is sacred, water is culture, and water is fundamental to everything that we do and everything that we are.

For years, our State and our country and our communities have ridden the roller coaster of regulatory rollbacks on the Clean Water Act, but I never could have imagined that in the year 2023, we would be voting on a bill to gut the rule that protects our streams and rivers and our right to have clean water.

In 2023, just weeks ago, a train derailment in East Palestine sent toxic smoke into the atmosphere, and people were afraid to turn on their taps and drink the water. The American people want clean water. Yet, here we are, weeks later, being forced to take a vote on a bill that would gut a fundamental rule in how the Clean Water Act actually saves our lives.

Water is the most basic element for how we survive as a species. The Clean Water Act was passed because rivers were on fire. In fact, in some of the districts of our Members—who are actually sponsoring this bill—toxic waste and sewage was filling the waterways of these very districts, where children were being poisoned by toxins that were being put in the rivers. Yet, here we are voting for a measure that would leave massive swaths of our waterways exposed, particularly in New Mexico. We are talking about raw sewage, farm waste, and chemicals being dumped in our arroyos and our wetlands.

Let me ask the American people: Is this what you want this body to be working on, gutting the most basic foundation of the protection of our public health and our environment? No, the American people want clean water. They want us to protect our streams and rivers. They want us to protect our farmers and ranchers. They want us to protect their families and their children.

We cannot go back decades, as this measure would take us back, and we cannot gut this fundamental, underlying environmental law that protects the health and safety of our communities.

So wherever you live, whoever you represent, whatever you fight for, know what this bill is actually about.

Mr. Speaker, I urge my colleagues to vote with clean water and vote against this measure.

Mr. GRAVES of Missouri. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. WILLIAMS), the chairman of the Small Business Committee.

Mr. WILLIAMS of Texas. Mr. Speaker, I rise in support of the resolution to repeal the Biden administration's waters of the United States rule.

Since President Biden was sworn into office, the regulatory actions of his administration have cost the private sector nearly \$360 billion in compliance costs and an estimated 220 million man-hours in new paperwork requirements. Later this month, when this rule is finalized, these numbers will get even higher.

Yesterday, the Committee on Small Business held a hearing to speak directly with the people who are going to be affected by this damaging regulation. We heard from Ms. Katherine English of Florida, who became a water attorney to ensure her family farm that has been in operation for over 100 years, could continue to thrive. She told us that this rule is so complicated that she will not know if even simple land adjustments on her own private property would open her up to fines from the Federal Government.

We also heard from Mr. Frank Murphy, from the great State of Texas, who develops real estate. He shared that this new rule will cause him to spend hundreds of thousands of dollars in redundant environmental reviews and could delay many projects indefinitely.

For any business, certainty is key, and unfortunately, this rule is leaving many people in the dark on if they will be in compliance with the new regulations.

I support this resolution because it is giving a voice to the small businesses that have been ignored by the unelected bureaucrats at the EPA and Army Corps of Engineers. That is why this resolution is supported by over 100 business groups. Congress must act and listen to the voices of Main Street America on how this regulation will kill jobs and damage the American economy.

In God we trust.

Mr. LARSEN of Washington. Mr. Speaker, I include in the RECORD a list of 91 organizations in opposition to H.J. Res. 27 and an open letter to Congress from the Environmental Protection Network in opposition to H.J. Res. 27.

ORGANIZATIONS IN OPPOSITION TO H.J. RES. 27, RESOLUTION OF DISAPPROVAL OF BIDEN CLEAN WATER RESTORATION RULE

350.org, A Community Voice, Alabama Rivers Alliance, Alaska Community Action on Toxics, Alliance for the Great Lakes, Alliance of Nurses for Healthy Environments, American Geophysical Union, American Public Health Association, American Rivers, American Sustainable Business Network,

Amigos Bravos, Anthropocene Alliance, Appalachian Trail Conservancy, Asociación de Residentes de La Margaita, Inc., Atchafalaya Basinkeeper, Black Millennials 4 Flint, Cahaba River Society, California Environmental Voters, Center for Biological Diversity, Center for Environmental Transformation, Chesapeake Bay Foundation, Children's Environmental Health Network, Clean Water Action.

Clean, Healthy, Educated, Safe & Sustainable Community, Inc., Coalition for Wetlands and Forests, Committee on the Middle Fork Vermilion River, Community In-Power and Development Association Inc. (CIDA Inc.), Concerned Citizens for Nuclear Safety, Concerned Citizens of Cook County (Georgia), Conservation Alabama, Earthjustice, Environment America, Environment Texas, Environmental Law & Policy Center, Environmental Working Group, For Love of Water (FLOW), FreshWater Accountability Project, Freshwater Future, Friends of Buckingham, Friends of the Mississippi River, Gila Resources Information Project, Greater Edwards Aquifer Alliance, Greater Neighborhood Alliance of Jersey City, NJ, GreenLatinos, Groundswell Charleston SC.

Gullah/Geechee Sea Island Coalition, Healthy Gulf, Hispanic Federation, Idaho Rivers United, Illinois Council of Trout Unlimited, Izaak Walton League of America, Lake Pepin Legacy Alliance, Lawyers for Good Government (L4GG), League of Conservation Voters, Lynn Canal Conservation, Maine Conservation Voters, Malach Consulting, Michigan League of Conservation Voters, Milton's Concerned Citizens, Mississippi River Collaborative, Missouri Confluence Waterkeeper, Montana Conservation Voters, MS Communities United for Prosperity (MCUP), National Parks Conservation Association, National Wildlife Federation, Natural Heritage Institute, Natural Resources Defense Council, NC League of Conservation Voters.

New Mexico Climate Justice, New Mexico Environmental Law Center, New York League of Conservation Voters, Northeastern Minnesotans for Wilderness, Ohio River Foundation, Patagonia Area Resource Alliance, PES, Rapid Creek Watershed Action, Renewal of Life Trust, River Network, Save the Illinois River, Inc., STIR, Serene Wildlife Sanctuary LLC, Sierra Club, Southern Environmental Law Center, Surfrider Foundation, The Clinch Coalition, The Water Collaborative of Greater New Orleans, Tookany/Tacony-Frankford Watershed Partnership, Virginia League of Conservation Voters, Washington Conservation Action, Waterkeepers Chesapeake, Weequahic Park Association, Winyah Rivers Alliance.

ENVIRONMENTAL PROTECTION NETWORK,

March 2, 2023.

OPEN LETTER TO CONGRESS ON CONGRESSIONAL REVIEW OF THE WATERS OF THE UNITED STATES RULE

DEAR MEMBER OF CONGRESS: As alumni of the Environmental Protection Agency (EPA), we are writing to share our perspectives on congressional review of the Clean Water Act "Waters of the United States" rule. The Environmental Protection Network (EPN) taps the bipartisan expertise of more than 550 former EPA staff who volunteer their unique perspectives as scientists and former regulators, permit issuers, and grant providers with decades of historical knowledge and subject matter expertise.

A CONSTRUCTIVE FRAMEWORK FOR ASSESSING EPA RULES USING THE CONGRESSIONAL REVIEW ACT

Congress has an important responsibility to ensure that EPA and other federal agencies are faithful to congressional intent

when issuing rules. Congress' congressional review responsibilities are laid out in law, commonly referred to as the "Congressional Review Act" (CRA).

Rulemaking, when done appropriately, is a methodical process built upon deep understanding of complex and technical information and informed by a wide range of stakeholders with different perspectives. The bipartisan drafters of the CRA recognized the vital roles agencies play in implementing laws, and they strove to strike a balance between "reclaiming for Congress some of its policymaking authority, without at the same time requiring Congress to become a super regulatory agency."

The drafters of the CRA shined a light on how to navigate this balance, recommending that Congress intervene where rules are "surprisingly different from the expectations of Congress or the public."

In addition to avoiding taking on the role of "super regulatory agency," Congress must consider the full ramifications of a resolution of disapproval, which prohibits agencies from taking substantially similar action. The CRA acts like a sledgehammer, not a scalpel. A CRA disapproval resolution can leave a chaotic tangle of regulatory uncertainty and confusion in its wake, resulting in significant harm to the public, regulated entities, and the environment. According to the Congressional Research Service, Congressional disapproval:

"creates uncertainty and could restrict the agency's ability to act going forward. This can potentially create a difficult situation for an agency if Congress uses the CRA to disapprove rules that were specifically required by law . . ."

Historically, members of Congress from both parties have cited the "bluntness" of the CRA tool as the reason they rejected congressional disapproval even when they did not agree with the underlying rule.

EPN suggests a constructive framework of four key questions that Congress should consider when determining whether a rule is "surprisingly different from the expectations of Congress," without venturing into the territory of becoming a "super regulatory agency":

1. Follow the Law: Did the agency follow the law, as directed by Congress and the courts?
2. Follow the Science: Did the agency follow the science, including adequately explaining its factual basis and reasoning?
3. Listen to Stakeholders: Did the agency meaningfully engage with and respond to all major stakeholders, taking different perspectives meaningfully into account?
4. Do No Harm: Would congressional disapproval worsen or improve outcomes for public health, the environment, and stakeholders, including regulated entities?

In pursuing this framework, members of Congress can provide meaningful oversight of actions, while minimizing the harm created by the CRA. In today's climate, with cyclical swings of the political pendulum, there is already significant regulatory whiplash and chaos. Congress should do everything in its power to lessen this confusion, not add to it.

#### APPLYING THE FRAMEWORK TO THE WATERS OF THE UNITED STATES RULE

EPN believes that Congress should support the "Revised Definition of 'Waters of the United States'" rule published by EPA and the Army Corps of Engineers on January 18, 2023. This rule protects waters that are critical to the health and welfare of the American people. The rule is not "surprisingly different from the expectations of Congress or the public." In fact, the rule conforms to the Supreme Court's instructions and largely re-

verts to the long-existing rule that pre-dates the regulatory confusion that has prevailed for too long.

Further, a congressional resolution of disapproval in this case risks a prolonged and perhaps permanent state of regulatory confusion that will create more uncertainty for landowners and others who deserve clear answers on how to comply with the Clean Water Act.

A thoughtful exploration of the four framing CRA questions we pose above will demonstrate that EPA has in fact done its job and done it well.

(1) EPA Followed the Law: The rule is consistent with the objectives of the federal Clean Water Act to "restore and maintain the chemical, physical, and biological integrity of the nation's waters," which are largely interconnected and which flow over and between state lines. The agencies are interpreting "waters of the United States" to mean the waters defined by the familiar pre-2015 regulations, with amendments to reflect the agencies' determination of the statutory limits on the scope informed by Supreme Court precedent, the best available science, and the agencies' experience and technical expertise. In response to both the case law and the science, the 2023 rule only includes upstream waters and wetlands as waters of the U.S. when they significantly affect the integrity of waters for which federal interest is indisputable (traditional navigable waters, territorial seas, and interstate waters).

EPA has also clearly recognized Supreme Court precedent, which, of course, could change with the expected decision in *Sackett v. United States*.

(2) EPA Followed the Science: The agency incorporates well-established science and protects waters that are critical to the health and welfare of the American people, particularly given the extreme weather challenges from climate change and the disproportionate impact on environmental justice communities. For the first time, the 2023 rule provides a detailed definition of the functions that must be assessed and the specific factors that must be considered in determining whether a water has a significant nexus to a water for which federal interest is indisputable. This definition is well supported by scientific evidence and is consistent with the factors the Supreme Court recently identified as critical for determining whether a discharge is jurisdictional in *Country of Maui, Hawaii v. Hawaii Wildlife Fund*.

(3) EPA Responded to Stakeholders Concerns: EPA is to be commended on a particularly thorough and far-reaching stakeholder engagement process, ultimately choosing a middle road that supports public health, environmental protection, agricultural activity, and economic growth. It covers less than the Obama administration proposed in 2015 but more than the Trump administration's rule. The agency conducted regional roundtables throughout the country, as well as solicited input from small businesses, tribes, and the public through multiple channels. In response to farmers concerns, the 2023 rule expands the number of waters exempted from CWA jurisdiction, exempting certain types of ditches, irrigated areas, farm ponds, and water-filled depressions in dry land, and erosional features such as gullies and rills.

(4) Congressional Disapproval Would Create a Chaotic Mess: A congressional vote of disapproval would create prolonged uncertainty and confusion for stakeholders that need to know what waters are protected by the Clean Water Act. Such an action would also endanger the drinking water, fisheries, and flood control for communities throughout the nation.

Congress should support this rulemaking process as it moves through the courts, and refrain from adding more confusion to the situation. Allowing EPA and the Army Corps to complete their job as defined in the law and overseen by the courts will create the kind of clarity stakeholders need.

We are happy to make EPN experts available to you to discuss this further.

Sincerely,

MICHELLE ROOS,  
Executive Director,  
Environmental Protection Network.

Mr. LARSEN of Washington. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Mrs. NAPOLITANO), the ranking member of the Water Resources and Environment Subcommittee.

Mrs. NAPOLITANO. Mr. Speaker, I rise in very strong opposition to this resolution of disapproval.

Clean water was not always a partisan issue, and no issue has more support among American families than the protection of our Nation's waters. Now is the worst time to lower our guard on protecting clean water as over half of the United States is experiencing drought conditions. Even though we have had rain, we are still in drought conditions. We need to be doing everything to ensure our cities, our businesses, and our farmers have sufficient, safe, and sustainable supplies of water to meet our economic and agricultural needs, our quality-of-life needs, and our day-to-day survival.

This is especially true in my home State of California. As the Metropolitan Water District, the biggest in the area, commented at our subcommittee last month, the definition of WOTUS is central to the Clean Water Act's implementation and has significant implications for water agencies' day-to-day operations and for water source protection efforts.

That is why I support the efforts of the Biden administration to permanently repeal the previous administration's dirty water rule, a rule that eliminated Federal protections on a minimum of 75 percent of streams and wetlands that have been protected by the act since its inception.

These waters and the wetlands are critical to capturing and storing rain and snowmelt to ensure the long-term supply of water and recharge our underground water aquifers.

Mr. Speaker, I cannot understand how this resolution, which seeks to undermine and confuse agency efforts to protect our clean water, makes any sense to my constituents who are already making sacrifices to protect our local waters.

This resolution would increase levels of pollution in our waterbodies, increase risk of downstream flooding, and make it harder for communities like mine to maintain sustainable sources of drinking water.

Worst of all, hardworking American families would have to pay for the horrible impacts of this resolution. The Biden rule provided the best available

option to balance the need for protection of waters with the desire for familiarity and workability within the constraints of the law and interpretations of the Supreme Court. This resolution achieves none of those outcomes and is only more likely to make it worse, not better.

Mr. Speaker, I very strongly oppose the resolution.

Mr. Speaker, I include in the RECORD a Statement of Administration Policy from the Executive Office of the President on H.J. Res. 27, providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of the Army, Corps of Engineers, Department of Defense and the Environmental Protection Agency relating to "Revised Definition of 'Waters of the United States.'"

#### STATEMENT OF ADMINISTRATION POLICY

H.J. RES. 27—PROVIDING FOR CONGRESSIONAL DISAPPROVAL UNDER CHAPTER 8 OF TITLE 5, UNITED STATES CODE, OF THE RULE SUBMITTED BY THE DEPARTMENT OF THE ARMY, CORPS OF ENGINEERS, DEPARTMENT OF DEFENSE AND THE ENVIRONMENTAL PROTECTION AGENCY RELATING TO "REVISED DEFINITION OF 'WATERS OF THE UNITED STATES'"—REP. GRAVES, R-MO, AND 170 COSPONSORS

The Administration strongly opposes passage of H.J. Res. 27, a joint resolution to disapprove "Revised Definition of 'Waters of the United States'" ("final rule"). The final rule's definition of "waters of the United States" carefully sets the bounds for what activities are regulated by the federal government under the Clean Water Act. The final rule provides clear rules of the road that will help advance infrastructure projects, economic investments, and agricultural activities—all while protecting water quality. The rule reestablishes critical protections for the nation's vital water resources by returning to the longstanding 1986 regulations with appropriate updates, exclusions, and streamlining clarifications. This pre-2015 approach to "waters of the United States" provides regulatory certainty and reflects the agencies' long experience, the best available science, and extensive stakeholder engagement. In comparison, H.J. Res. 27 would leave Americans without a clear "waters of the United States" definition. The increased uncertainty would threaten economic growth, including for agriculture, local economies, and downstream communities. Farmers would be left wondering whether artificially irrigated areas remain exempt or not. Construction crews would be left wondering whether their waterfilled gravel pits remain exempt or not. Compared to the kind of uncertain, fragmented, and watered-down regulatory system that H.J. Res. 27 might compel, the final rule will secure substantial and valuable benefits each year in critical flood protections, enhanced water quality, and the treasured recreational activities—fishing, swimming, boating, and more—that fill the lives and livelihoods of tens of millions of U.S. households that depend on healthy wetlands and streams.

If Congress were to pass H.J. Res. 27, the President would veto it.

□ 1300

Mr. GRAVES of Missouri. Mr. Speaker, I yield 1 minute to the gentleman from Arkansas (Mr. CRAWFORD).

Mr. CRAWFORD. Mr. Speaker, I rise today to speak against the Biden ad-

ministration's extreme overreach with the confusing new waters of the United States rule published by the EPA. This rule removes protections put in place by the previous administration that would protect farmers, ranchers, and small business owners from potential fines and even jail time for carrying out common practices they have done for years.

The men and women who feed America should not have to apply for permits to simply remove debris from a ditch on their property or change the types of crops that they grow in a field. Yet, this is what people in my district in Arkansas and around the country will face under the new WOTUS rule.

To top it all off, this rule is unclear, forcing landowners to hire additional help just to ensure that they are complying with this ill-conceived rule.

Mr. Speaker, I urge my colleagues to stand up to the EPA and vote to block this burdensome rule.

Mr. LARSEN of Washington. Mr. Speaker, I yield 4 minutes to the gentleman from Ohio (Mrs. SYKES).

Mrs. SYKES. Mr. Speaker, I rise today in strong opposition to H.J. Res. 27, which would nullify the rule titled: "Revised Definition of 'Waters of the United States.'"

As the vice ranking member of the Water Resources and Environment Subcommittee, I am extremely aware of the crucial role clean water plays in the success of our Nation's economy, including agriculture and energy development, as well as the health of our communities.

This resolution is the latest attempt to attack longstanding critical safeguards for clean water with an utter disregard for the devastating impact this will have on hardworking American families.

In Ohio, we have had to bear the brunt of the reckless disregard for safeguards that has contaminated water supplies and caused irreversible harm, some of which we can't even begin to quantify.

My colleague aptly identified multiple issues and examples from Ohio that explain why it is necessary to protect our water, whether it is toxic chemicals from a train derailment; a burning lake—imagine that; or compromised drinking water due to algal blooms, which happened in northeast Ohio in our Great Lake, Lake Erie, which is a significant resource for us in our Ohio community. A good clean water source has been impacted, and many others across the country could be as well.

Mr. Speaker, this legislation unquestionably undermines the Clean Water Act, and it is unnecessary and a glaring attack on future attempts to protect our Nation's water quality.

When a rule is undone using the Congressional Review Act process, future administrations are prevented from issuing rules that are substantially the same, which could and very likely will undermine agencies in their activities

to stop bad actors who pollute our waterways.

I understand the need for regulatory certainty, and I certainly want to help us achieve that. Whether it is to provide certainty for businesses, local governments, State governments, farmers, hunters, fishers, or builders, Americans deserve that certainty.

Mr. Speaker, isn't it important to ensure that our constituents, including my constituents in Ohio's 13th District, have certainty when they turn on the tap that they are sure they are not drinking toxic water that may be a carcinogen that will impact their health in the future?

It is important that all people, regardless of where they live, or their economic standing, creed, or color, have access to clean water. It is how we put people above politics.

Mr. Speaker, I urge my colleagues on both sides of the aisle to vote "no" emphatically.

Mr. GRAVES of Missouri. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. THOMPSON), the chairman of the House Agriculture Committee.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I thank the gentleman for his leadership on this issue.

Mr. Speaker, I rise in strong support of today's waters of the United States, WOTUS, joint resolution of disapproval, and I stand in opposition to the Biden WOTUS, which is an attack on the Clean Water Act, an attack on States' rights to have oversight over non-navigable waters, and an attack on private property rights.

As the chairman and former ranking member of the House Agriculture Committee, I have spent the last 2 years traveling to more than 40 States to hear directly from producers about the challenges they face. I was proud to be with Chairman GRAVES in his district, where we had a gathering and a hearing, a listening session on this very topic—burdensome regulations, record inflation, high input costs, the politicization of crop protection tools, supply chain disruptions, and now you can add an egregious government land grab to the list.

Make no mistake about it, this rule isn't about clean water. It is about the Biden EPA's appetite for power.

America's farmers, ranchers, and landowners deserve a WOTUS definition that is fair to agriculture and maintains the historical reach of the Clean Water Act, neither of which is accomplished by the Biden administration's flawed rule.

Simply recognizing longstanding agriculture exemptions that have been too narrowly applied for decades does not make up for once again plunging our rural communities into regulatory ambiguity.

Mr. Speaker, I thank Transportation and Infrastructure Committee Chairman SAM GRAVES and Water Resources and Environment Subcommittee Chairman DAVID ROUZER for leading this important effort, and I urge a "yes" vote.

Mr. LARSEN of Washington. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. BEYER).

Mr. BEYER. Mr. Speaker, I urge my colleagues to join me in voting “no” on this effort to undo the EPA’s waters of the U.S. rule.

EPA’s rulemaking will simply restore the basics of what was protected by law for nearly 50 years before Trump’s rule went into effect. It is an important protection to restore smart clean water protections.

We need to step forward for clean water because over half of our rivers and lakes in our country are too polluted for swimming, fishing, or drinking. I grew up near the Potomac River, where it was dangerous to get into something that was so incredibly dirty.

Americans are speaking up, and they say they want to swim and fish in their streams.

This EPA rule is also a step forward to protect wetlands. Last month, Stanford scientists showed that our country is responsible for more wetland loss and degradation than any other country.

We need to protect the wetlands that we still have left. Wetlands sequester carbon, which helps us in our climate change goals. Wetlands are a habitat that will help us stop the biodiversity crisis.

There is also a lot of talk about stakeholders wanting certainty in what waters are covered. I am on board with that certainty, and the new rule-making provides just that, certainty for the Americans who want swimmable, fishable, drinkable waters and who want a safe climate and thriving biodiversity.

I had the honor of serving on the Science Committee for 8 years, and we heard again and again that virtually all scientists believe that water is the absolutely most essential requirement for life. Yet, we want to gut the most important rule to protect our water.

Undoing the waters of the U.S. rule is a step backward. For all Americans who want the certainty of a safe climate and clean water for the future, I have to vote “no.”

Mr. GRAVES of Missouri. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. LAHOOD).

Mr. LAHOOD. Mr. Speaker, I thank my friend from Missouri for yielding and for his leadership on the Transportation and Infrastructure Committee.

Mr. Speaker, I rise in strong support of H.J. Res. 27, providing for congressional disapproval of the Army Corps of Engineers’ and the EPA’s rule expanding the definition of waters of the United States.

This rule is one of the latest examples of regulatory overreach that the Biden administration has chosen to pursue, ignoring Congress’ role in making policy decisions and vastly increasing Federal authority over private lands.

Expanding the WOTUS definition creates harmful uncertainty and increased

administrative burdens for many parts of our economy, especially our farmers and agriculture sector.

On top of having to endure the effects of high inflation, supply chain disruptions, and labor shortages, farmers in my district and across the country now have to invest more time and money on compliance costs to protect themselves against potentially crippling legal penalties.

Between President Biden’s attempts to repeal stepped-up basis, the SEC’s onerous ESG proposal, and now this WOTUS rule issued by the Army Corps of Engineers and EPA, it is clear that family farms and small businesses are not being prioritized or heard by this administration.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. GRAVES of Missouri. Mr. Speaker, I yield an additional 30 seconds to the gentleman from Illinois.

Mr. LAHOOD. Mr. Speaker, as the Representative of one of the largest corn- and soybean-producing districts in the country, I understand the importance our farmers have in feeding our Nation and the world. Our farm economy is the lifeblood of rural communities, and this resolution is a necessary first step in supporting our farmers and small businesses.

Mr. Speaker, I urge adoption of the resolution.

Mr. LARSEN of Washington. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Ms. VELÁZQUEZ).

Ms. VELÁZQUEZ. Mr. Speaker, I rise today in opposition to this resolution.

For 50 years, the Clean Water Act has safeguarded our rivers, streams, and wetlands from pollution and degradation. Before the passage of the Clean Water Act in 1972, New York City dumped millions of gallons of raw sewage and trash into the East River every day. Today, thanks to the CWA, we have made significant progress cleaning up the East River and the Hudson, so much so that marine life, like the humpback whale and dolphins, have been spotted in recent years.

This environmental progress is not unique to New York. Communities across the country have experienced the benefits of cleaner water, but the advantages of the CWA aren’t limited to the environment. The law has also helped our economy.

Yesterday, during a Small Business Committee hearing on this topic, the owner of a South Carolina seafood company testified on the fundamental importance of clean water to his business. Robust Federal protection for clean water is a prerequisite for the success of businesses in a range of industries all across our country.

Despite this, my colleagues on the other side of the aisle want to allow industries to pollute our waters while shifting the cost of pollution to families, businesses, and communities downstream. They want to continue Trump administration policies that

significantly limited Federal protections for clean water by excluding safeguards for many wetlands and streams.

Mr. Speaker, that is why I urge my colleagues to vote “no” on this resolution.

Mr. GRAVES of Missouri. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. VAN ORDEN).

Mr. VAN ORDEN. Mr. Speaker, I rise today in strong opposition to the Biden administration’s rule defining the waters of the United States, or WOTUS.

I am not going to mince words. These proposed changes would be more aptly named “WOKEUS,” as they are confusing, partially nonsensical, not based in science, and will cause many unintended consequences that the Biden administration has clearly not contemplated.

Under this new rule, over 85 percent of the waterways in Wisconsin’s Third District would be subject to EPA regulation. In many places, these rule changes will actually harm the environment, as many of the farmers in my district are pioneers in environmental stewardship.

They have dug retention ponds that collect agricultural runoff, and then the nitrates and phosphates settle to the bottom. They recycle the water and these important nutrients, which actually lowers the costs and prevents them from entering the watersheds in the Mississippi River.

If this “WOKEUS” goes into effect, these revolutionary farming practices will stop and these agricultural by-products will wind up in our actual navigable waterways. Then what will the Biden administration propose doing? Fining our farmers, putting them out of business, and increasing the food costs that are already out of control due to the out-of-control spending of the Biden administration.

Mr. Speaker, I stand with the farmers, and they stand in support of the CRA. I urge my colleagues on both sides of the aisle to stand with them.

□ 1315

Mr. GRAVES of Missouri. Mr. Speaker, may I inquire how much time is remaining.

The SPEAKER pro tempore. The gentleman from Missouri has 20 minutes remaining. The gentleman from Washington has 13 minutes remaining.

Mr. GRAVES of Missouri. Mr. Speaker, I yield 1 minute to the gentlewoman from Wyoming (Ms. HAGEMAN).

Ms. HAGEMAN. Mr. Speaker, I rise in support of the House resolution.

As a water attorney and a natural resource attorney, I have fought for over 25 years to protect water and property rights and to stop the unlawful rules enacted by our Federal Government. In Congress I am continuing that fight.

The Feds have far exceeded their authority under the Clean Water Act and have expanded on the scope and intent of the original law by redefining what is a navigable water of the United



States. This rescinds the recent changes made under the Trump administration that actually carried out the intent of the Clean Water Act, and the increasing regulation of both land and waters must be stopped.

In many instances, these new and punitive regulations are a de facto taking of private property. Wyoming farmers, ranchers, builders, energy producers, and small business owners, among others across the State, would suffer significantly if these changes to the navigable waters of the United States definition were enacted.

This is just one more example of an out-of-control and unelected Washington bureaucracy intruding into our personal lives and seeking to destroy our property rights.

Mr. Speaker, I urge my colleagues to support today's disapproval vote and protect Americans from the ridiculous government overreach these WOTUS revisions would enable.

Mr. GRAVES of Missouri. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. PERRY).

Mr. PERRY. Mr. Speaker, I thank Chairman GRAVES for yielding.

Mr. Speaker, this is a case of no good deed goes unpunished.

Now, the ranking member, a good gentleman, and I can agree that we all want clean water. But this is just simply a Federal Government overreach. That is all it is. And, oh, by the way, I will remind everybody that it is only 2 months ago my friends on the other side of the aisle controlled this body, the other body, and the Presidency.

If they wanted to pass a law, then why didn't they?

It is because they can't pass a law.

This isn't about the Clean Water Act because the Clean Water Act still exists. This is about a rule made by bureaucrats down the street to control the water in your backyard.

Mr. Speaker, if you have a child's swing set where they have hollowed out underneath the swing set, don't you dare fill it in, otherwise severe penalties—criminal imprisonment—can be imposed on you.

This is absolutely outrageous, unnecessary, and must be stopped.

Mr. GRAVES of Missouri. Mr. Speaker, I reserve the balance of my time.

Mr. LARSEN of Washington. Mr. Speaker, I yield myself such time as I may consume.

I just want to make a note that the argument that this is like a taking does not hold any water—excuse the pun—because a 1992 case in the Supreme Court determined that rules like this actually do not qualify as a taking under the U.S. Constitution or under U.S. law.

Mr. Speaker, I reserve the balance of my time.

Mr. GRAVES of Missouri. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. DUARTE).

Mr. DUARTE. We need to protect wetlands, and we need to protect the clean water supply we enjoy here in America.

The Supreme Court has been dealing with this for years, and if we don't get it right here and keep the agencies honest, we are going to have real food shortages on our hands.

I am a farmer who was prosecuted under the Clean Water Act for growing wheat in a wheat field where I had planted wheat many times before.

This right here—I want to make sure the whole Chamber can see it—look hard. This little light spot in the field is a jurisdictional wetland under some definitions of the Clean Water Act. That is not a navigable water. There are no frogs, no fish, no storks, no egrets, and no water.

Under the Biden rule, the surrounding grasslands—all the surrounding grasslands there, not the electrical tower in the back, that has other regulatory problems—those are jurisdictional wetlands under the Biden rule.

They prosecuted me as a farmer for farming wheat in a wheat field which had been farmed many, many times before, and they threatened to fine me \$28 to \$40 million for tilling through 22 acres of wetlands such as this across a 450-acre wheat field.

This is what we are talking about. We don't have to talk about burning rivers or poisonous water. This is the land grab, this is the authority, and this is the threat to the American food system that we are talking about.

Right over there, that is a government expert team paid for by your Department of Justice—our Department of Justice—sitting in a 3-foot hole investigating my 4- to 7-inch tillage through a vernal pool. Ten government investigators were on my property for 10 days producing over a \$1-million report.

The smallest of these wetlands—of these vernal pools—was 16 square feet. Think of the card table you may have sat at as a kid during Thanksgiving, Mr. Speaker. That was deemed a jurisdictional wetland.

This is a direct attack on our farming and our food supply. Please don't understand it as anything different.

Mr. LARSEN of Washington. Mr. Speaker, I yield myself such time as I may consume just to go back to an argument a previous speaker made about the Democrats having the majority in the House, the Senate, and the Presidency.

It also should be on the RECORD that the other side of the aisle had the majority in the House, the Senate, and the Presidency in 2017 and 2018 and also did nothing on this rule. It wasn't important enough for them to do anything.

Then the President's rule at the time moved forward, and it was tossed by two different courts. It was rejected by the courts, which leaves us in this position where we are today of playing ping-pong with the waters of the U.S. rule.

Our argument today is: Let's bring certainty to the Clean Water Act, bring

certainty to the waters of the U.S., reject H.J. Res. 27, and move forward with the existing rule from the current administration.

Mr. Speaker, I reserve the balance of my time.

Mr. GRAVES of Missouri. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. LAMALFA).

Mr. LAMALFA. Mr. Speaker, I thank the chairman for yielding me time.

My colleagues again are here to talk about something that has been over and over again changed with the whim of every administration it seems. I have been here 10 years, and every new Congress there is a different enforcement. The law keeps getting changed. There is no certainty.

So how are we supposed to farm and grow the crops that people depend on in this country?

I am glad I got to follow Mr. DUARTE because his operation is actually in my district up there where that went on. We tried to convince them at EPA and Army Corps of Engineers that farming is a normal activity.

I get my colleagues on the other side of the aisle when they start talking about rivers on fire and things like that.

This is normal farming. The way we are going here, we will not have these crops that Americans depend on, especially coming from California.

So the definition that is being put forward by the Biden administration is something that is undoing what the Trump administration had trying to bring it back to reasonable.

The Clean Water Act was passed in 1972 and signed by President Nixon with bipartisan effort. Every 50 years or so we have to go back and see what is going on with oversight, and this isn't working. It is not working at all because it was never intended by Congress to limit farming and to take away the farming of food, which is what is going on with this act.

Mr. LARSEN of Washington. Mr. Speaker, I reserve the balance of my time.

Mr. GRAVES of Missouri. Mr. Speaker, I yield 1 minute to the gentleman from Kansas (Mr. MANN).

Mr. MANN. Mr. Speaker, I thank Chairman GRAVES for yielding.

Mr. Speaker, agricultural producers have been forced to operate their businesses under three different definitions of water in the last 10 years, and this most recent rule removes longstanding bipartisan exemptions for common water features like ponds and streams found on family farms and other private property.

With this vote, Congress has a golden opportunity to stand up not only for people who feed, fuel, and clothe us all, but also for all Americans whose businesses and private lives will be affected by this Big Government encroachment onto their property.

While President Biden would like to federally regulate every small stream, ditch, and puddle from sea to shining

sea, American producers have been the careful custodians of their own resources for centuries. They are the original conservationists, and their livelihoods already depend on their voluntary efforts to care for their water resources.

How we vote today will speak volumes. We can either tell Americans that we believe the Federal Government knows best, or we can tell them that the Federal Government should get out of their way and let them do what they do best. I know where I stand.

Mr. LARSEN of Washington. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to be clear that I do agree with some of the comments made by the previous speaker that this has been a ping-pong match among administrations over the last 10 years where all Americans have lived under various definitions of this rule.

I, too, want to end that ping-pong match which is why I am calling on the House of Representatives to vote "no" on this resolution and get on with the certainty that the current administration's rule provides.

Mr. Speaker, I yield back the balance of my time.

Mr. GRAVES of Missouri. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. WILLIAMS).

Mr. WILLIAMS of New York. Mr. Speaker, this picture accurately captures the administration's definition of a navigable waterway. This child playing with a paper boat in a puddle created by a rainstorm would be subject to the almost comical definition of navigable waterways this bill would amend.

This child's family—if they had saved enough money to build their first home on this site with this rain puddle—could find themselves at the mercy of the impersonal, bureaucratic, and deliberately ambiguous rules of the EPA. Very quickly, this child's family would be drowned by the costs, paperwork, and Byzantine rules of a faceless bureaucracy.

Stop using EPA bureaucrats as agents against the American people: homeowners, small business owners, farmers, rural communities, and many others. These WOTUS rules are designed to give nearly unlimited power to EPA field agents to further control our delicate economy.

Nobel Prize-winner humanitarian Aleksandr Solzhenitsyn, a victim of the cruel Soviet system, warned us with these words: "Unlimited power in the hands of limited people always leads to cruelty."

Protect American families and support this bill.

Mr. LARSEN of Washington. Mr. Speaker, I continue to reserve the balance of my time.

Mr. GRAVES of Missouri. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. NEWHOUSE), who is the chairman of the Congressional Western Caucus.

Mr. NEWHOUSE. Mr. Speaker, I am a third-generation hop and grape farmer from the State of Washington. Being a good steward of the environment has always been important to me, my family, and my neighbors.

For generations, farmers and ranchers across the United States have understood that in order to continue their important job of feeding the world, we must work together to protect our clean water and conserve our most precious natural resources.

And it has been to the great success. Our Nation's agricultural community has voluntarily innovated over the years, finding ways to use significantly less pesticides and fertilizers to grow even more food.

Yet, the administration has ignored all those facts and instead is coming after our private property rights with their waters of the United States rule.

WOTUS is nothing more than a power grab which would impose tighter controls over the waters the Clean Water Act never intended to regulate.

Let's be clear: WOTUS isn't just a logistical nightmare that has plagued landowners, businesses, farmers, ranchers, and rural communities across the country for years; it controls what people can build or plant in and around streams, ponds, and irrigation ditches in the middle of cropland giving the EPA unprecedented say over what people can do or can't do with their land, and it calls into question whether farmers could even begin to work their land.

This impacts our food supply, our housing industry, and many aspects that have already been severely challenged by the administration's overreaching policies.

This rule is not about clean water. Rural communities in the West and across the country like central Washington are dedicated to clean water, and they are the ones being punished by the continuing legal uncertainty that this new final rule brings.

As chairman of the Congressional Western Caucus, a bipartisan group of nearly 100 Members who advocate for property rights and clean water, I have consistently called on the administration to provide that certainty that we all want.

In fact, we have led over 200 Members in a letter urging the administration to do just that.

Mr. Speaker, I urge my colleagues to vote "yes" on this resolution, push back on this administration's egregious overreach, and fight for our food supply.

Mr. LARSEN of Washington. Mr. Speaker, I yield myself such time as I may consume.

This debate we are having today is only about clean water, and we need to put people and clean water above pollution. The administration has a rule that provides certainty, and we should move forward on that. But this debate is about clean water.

Mr. Speaker, I reserve the balance of my time.

□ 1330

Mr. GRAVES of Missouri. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota (Mr. STAUBER).

Mr. STAUBER. Mr. Speaker, for the sake of not belaboring the great points already made by my colleagues here today, I will keep this brief.

The Biden administration's WOTUS rule creates a regulatory headache for economic drivers like farmers, ranchers, small business owners, manufacturers, miners, and more. Similar to the old Obama administration WOTUS rule, this new rule is a gift to lawyers and activists.

All this rule does is give D.C. bureaucrats a chance to trade in their dress shoes for their never-worn cowboy boots, step over a few puddles and call them navigable waters, and upend the lives of rural Americans.

Time and time again, the Biden administration creates hardships for the constituents I represent. Unfortunately, I expect no less from this activist administration. It is clear that they do not consider rural America a priority.

Mr. Speaker, I support passage of this CRA to nullify the "sumbumcheous," devastating Biden administration WOTUS rule.

Mr. LARSEN of Washington. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do have to address the comment about who cares about rural America. I am not making an argument today that any one party or any one person cares more about rural America.

However, if we are going to support rural America, keep implementing the bipartisan infrastructure law, which puts \$65 billion into broadband, including billions of dollars to expand broadband into rural areas—something happening in my State and States around the country.

Pass comprehensive immigration reform so there is a supply of workers in this country, including farmworkers.

Open up trade agreements. Open up trade for agriculture, including ag in my State, in my own district for the milk producers, the potato producers, the raspberry and blueberry producers, who are exporting product all over the country.

That is what it means—at least on my side of the State—to support rural America.

I support rural America, and a lot of folks in this Chamber on both sides support our farmers and rural America. Let's take action to do just that.

Mr. Speaker, I reserve the balance of my time.

Mr. GRAVES of Missouri. Mr. Speaker, I yield 1 minute to the gentlewoman from Colorado (Mrs. BOEBERT).

Mrs. BOEBERT. Mr. Speaker, I rise in favor of H.J. Res. 27. This resolution will overturn Joe Biden's latest attempt to expand the Federal Government's jurisdiction and regulate every aspect of our lives.



The decision to return to the 2015 WOTUS rule puts burdensome regulations that will devastate small businesses, manufacturers, farmers, home and infrastructure builders, local communities, water districts, and everyday Americans across my district in Colorado and the entire country.

In short, the EPA's job-killing WOTUS regulation expands Washington bureaucrats' jurisdiction over ditches and navigable waters, threatening property rights and water rights for our communities. Rural Colorado runs on water, and this unconstitutional regulation will harm our way of life.

Mr. Speaker, I thank my colleague and chairman of the House Transportation and Infrastructure Committee, SAM GRAVES, for his great work to protect private water rights. We all want clean air, we all want clean water, and we know that we do it right without bureaucrats getting in our way. I support this legislation.

Mr. LARSEN of Washington. Mr. Speaker, I reserve the balance of my time.

Mr. GRAVES of Missouri. Mr. Speaker, I yield 1 minute to the gentleman from Missouri (Mr. BURLISON).

Mr. BURLISON. Mr. Speaker, I thank Chairman GRAVES for his amazing leadership on this important topic.

The arrogance of liberal bureaucrats knows no bounds. When we think that they cannot go any further, they decide that they can regulate the rain that falls from the sky.

The waters of the U.S. regulation will cost our citizens, especially farmers in my State of Missouri, who, on average, own 300 acres, which is mostly small farms, it will saddle them with red tape.

Of course, we know why the Biden administration is imposing this on our citizens and our farmers. The administration is not at all interested in helping the average American farmer or supporting them. They are more interested in appealing to the radical environmentalists that want to control our lives.

Farmers have been hit hard with fuel costs, fertilizer costs, and supply chain challenges recently. The last thing they need is this. The EPA and the Army Corps of Engineers should rescind this rule and leave our farmers alone.

Mr. Speaker, as a cosponsor of this resolution, I fully support it and urge my colleagues to pass it.

Mr. LARSEN of Washington. Mr. Speaker, I continue to reserve the balance of my time.

Mr. GRAVES of Missouri. Mr. Speaker, I yield 1½ minutes to the gentleman from Pennsylvania (Mr. MEUSER).

Mr. MEUSER. Mr. Speaker, we are hearing about the issues that farmers face. I have 8,000 farmers in my district. Workforce, we hear about comprehensive illegal immigration reform, yes, indeed. But, Mr. Speaker, border security first. Border security first,

then we can help our farmers and others with comprehensive illegal immigration reform. That never seems to be on the table. Rural broadband, absolutely. We have been talking about it for far too long, and it is way late in coming.

Mr. Speaker, this WOTUS, waters of the U.S., never have I heard such a clamor from my farmers. This is such an insult, and it shows just simply how out of touch those that would propose something like this are when it is related to my farmers and the farmers throughout the United States.

Mr. Speaker, we know that every day farmers live in an uncertain climate, to say the least, to say it literally. The Biden administration's proposal here is a far, far more burdensome regulation that will create a higher level of uncertainty, increase compliance costs for farmers during a time that costs are escalating.

This rule will literally lead to puddles and ditches on farmers' property being regulated under the Clean Water Act. Temporary puddles, temporary wetlands that evaporate in a few days they could be responsible for, very often when it is miles away from navigable waters.

If this rule goes into effect, small businesses—and landowners as well—will be forced to spend thousands of dollars on consultants and lawyers to determine if they need a Federal permit on their own land or risk expensive penalties or even jail time.

The Supreme Court will be hearing this case soon. They will certainly reverse any rule made. No WOTUS before SCOTUS.

Mr. LARSEN of Washington. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I will note that in the current administration's rule the agencies added six additional exclusions to the regulatory text for generally non-jurisdictional features under the pre-2015 regulatory effort and continues the agencies' two longstanding exclusions for wastewater treatment systems and prior converted farmland.

In addition, the final rule continues the agencies' longstanding regulatory definition of wetlands, as well. Now, that changed a longstanding definition of wetlands, something that again adds to the certainty of the rule as well as with the six additional exclusions creates more exclusions than in the Bush-era rule.

Mr. Speaker, I reserve the balance of my time.

Mr. GRAVES of Missouri. Mr. Speaker, I yield 1 minute to the gentleman from Oklahoma (Mr. BRECHEEN).

Mr. BRECHEEN. Mr. Speaker, Article I, Section 1 of the United States Constitution says that all legislative powers are to be vested in the Congress. In the Congress, not the President.

The Biden administration's WOTUS rule is a perfect example of the administration usurping the authority, the

supremacy of the United States Constitution.

This rule impacts private property, small business, farmers, ranchers, including Jess Kane—I just got off the phone with him 20 minutes ago. Jess has a ranch south of Bartlesville, and he has about a thousand acres in a floodplain. He is concerned about his ranch and how this rule of the President will impact his ability to do what he has always done and be able to manage a cow-calf operation.

Regulatory costs are a hidden tax and are now expected to be at least \$2 trillion, according to the Competitive Enterprise Institute. If you think of regulation as a tax, it comes out to more than \$14,000 per family. It is a hidden tax, \$14,000 per family, because of the regulatory state.

Congress has the authority and duty to rein this in. We must inject common sense, horse sense for our farmers, ranchers, small businesses, and private property owners when the Presidency is going the opposite direction.

Mr. Speaker, I urge my colleagues to vote "yes" on H.J. Res. 27 and overturn the WOTUS rule.

Mr. LARSEN of Washington. Mr. Speaker, I yield myself the balance of my time to close.

Last year, this Congress came together to provide historic investments in our Nation's infrastructure through the bipartisan infrastructure law, providing communities with almost \$13 billion in clean water infrastructure upgrades and creating jobs.

These clean water investments help areas like Skagit County, where I am from, which has used the Clean Water State Revolving Fund money to protect the water quality of Gilligan Creek, the drinking water source for many in that county.

Every day, more and more American families are realizing the public health, economic, and environmental benefits of the bipartisan infrastructure law, benefits that will continue as additional BIL resources are made available and implemented across the country.

The BIL is what Congress can do at its best. This resolution is not.

This resolution provides no benefits to public health. It seeks to eliminate protections for rivers, streams, and wetlands, many of which serve as a source of drinking water for hundreds of millions of Americans.

This resolution provides no benefits to our economy as a whole. It not only casts aside a time-tested, scientifically based tool to implement the Clean Water Act, but then further blocks the Corps of Engineers and the EPA from providing any additional clarity to businesses, farmers, and homebuilders going forward.

In short, this resolution is a recipe for uncertainty, for litigation, for continued gridlock, the very things that my friends on the other side of the aisle are really trying to avoid, as we are as well.

This resolution is a step backward for clean water. It is a step backward for certainty. I urge my colleagues to see this resolution for what it is. It is not for clean water. It is an attack on our clean water future. It fails to provide clarity. It fails to provide consistency for our businesses, our farmers, and for many in our communities who rely on clean water who are not businesses, who are not farmers, who are not ranchers. Many of those folks look to Congress to ensure clean water, as well.

Mr. Speaker, I am urging my colleagues to vote "no" on H.J. Res. 27, and I yield back the balance of my time.

Mr. GRAVES of Missouri. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, in closing, while the Clean Water Act has greatly improved the health of our Nation's waters, expansive interpretations of it have also led to a whole lot of uncertainty in the 50 years since it was passed, specifically when it comes to the definition of WOTUS.

Mr. Speaker, the Biden administration may think that they can get away with this overbearing WOTUS rule and dramatic, dramatic expansion of Federal authority, but we have to ensure that everyday Americans are not subject to this outrageous government power grab, and that is what it is.

Let's keep flawed Federal overreach out of the government by passing H.J. Res. 27.

Mr. Speaker, I urge support of the resolution, and I yield back the balance of my time.

Ms. KAPTUR. Mr. Speaker, serving in Ohio's 9th district, and as the leading Democrat and Ranking Member on the Appropriations Subcommittee on Energy and Water Development, I am keenly aware that clean and abundant water resources are vital for the success of our nation's economy and the health of our communities. The Great Lakes region which I proudly represent and champion provides drinking water for more than 40 million people and supports a \$6 trillion economy. Before us is H.J. Res. 27, another desperate attempt to weaken the Clean Water Act. After decades of reckless pollution, a fire on the Cuyahoga River in Cleveland, OH helped spark an environmental movement that brought us to the passage of the visionary Clean Water Act in 1972. The 50-year legacy of the CWA is a testament to the power of bipartisan legislation that prioritizes people and communities. If successful, H.J. Res. 27 would return us to a patchwork strategy of water management that existed prior to 1972.

H.J. Res. 27 is yet another example of partisan politics that do nothing for constituents in my district in Toledo and along Lake Erie—or our neighbors throughout the Great Lakes region. Instead, this resolution undermines longstanding guidance that protects our waters. This resolution eliminates existing clarity and certainty that businesses, developers, and farmers rely on, and it creates the opportunity for our waterways to return to serving only as waste receptacles. Even with a strong Clean Water Act, much remains to be done to en-

sure clean drinking water for all; the 2014 Toledo water crisis was the direct result of toxins in the water. Further eroding our ability to protect our waters is a disservice to everyone. Today, I will vote no on H.J. Res. 27 because protecting our Great Lakes is a priority, and I strongly encourage my colleagues on both sides of the aisle to do the same, so that our waterways can be protected for future generations to come.

Mrs. DINGELL. Mr. Speaker, I rise in opposition of H.J. Res. 27, which would roll back important clean water protections.

Colleagues, for over 50 years, the Clean Water Act has served as an essential pollution prevention tool and helped us clean up our nation's streams, rivers, lakes, and wetlands.

Clean water is a human right. And it is our shared responsibility to ensure we protect human health and our environment for future generations. Whether you live in the heartland near the Great Lakes, or out west near the incredible Colorado River, we all benefit from the federal protections of our waters. As one of the architects of the Clean Water Act, John Dingell, wrote and made clear the intent was to protect "all the 'waters of the United States.'"

Wetlands, rivers, lakes, and streams must be protected and due to the 2019 repeal of this rule, there have been hundreds of development projects that were able to move forward with limited regulation, putting our water systems at risk. I would like to thank the Biden administration for their leadership on its rule to establish a revised definition of the "Waters of the United States" to protect our most vital natural resource—water.

Mr. Speaker, I urge all my colleagues to oppose this resolution and protect clean water for all Americans.

Ms. MCCOLLUM. Mr. Speaker, I rise in opposition to H.J. Res. 27, which would overturn a recent Biden Administration regulation clarifying protection of America's waters under the Clean Water Act.

Communities in Minnesota and across our Nation need reliable access to clean water. Without clean water our communities don't have access to safe drinking water, farmers can't grow the food we eat, and our nurses and doctors can't clean their hands before a procedure. Clean water touches every facet of our daily lives, and our communities cannot thrive without it.

If passed, H.J. Res. 27 would block the latest waters of the United States (WOTUS) rule issued by the Environmental Protection Agency (EPA) and the Army Corps of Engineers. The rule that the Biden Administration is proposing would broaden definitions of waterways subject to protection under the Clean Water Act to include connected waterways such as wetlands. The new rule also seeks to provide clarity and predictability for farmers and developers while protecting our nation's water quality and supply. H.J. Res. 27 would block this clarified rule.

For over 50 years, Republicans and Democrats have worked together to protect and restore America's waters using the authorities granted in the Clean Water Act. Members of Congress today have a responsibility to protect this important legacy. Preserving the health of America's wetlands and streams is essential to Minnesota, a state with more than 10,000 lakes and over 69,000 miles of river. Clean water touches every aspect of our daily lives, and Americans cannot survive without it.

Mr. Speaker, let me be clear, H.J. Res. 27 is an attack on clean water in communities all around the country.

It should be rejected.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 199, the previous question is ordered on the joint resolution.

The question is on engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GRAVES of Missouri. Mr. Speaker, on that I demand the yeas and nays. The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 1 o'clock and 45 minutes p.m.), the House stood in recess.

□ 1600

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SELF) at 4 p.m.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

Adoption of the motion to recommit on H.R. 140;

Passage of H.R. 140, if ordered; and

Passage of H.J. Res. 27.

The first electronic vote will be conducted as a 15-minute vote. Pursuant to clause 9 of rule XX, remaining electronic votes will be conducted as 5-minute votes.

#### PROTECTING SPEECH FROM GOVERNMENT INTERFERENCE ACT

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the vote on the motion to recommit on the bill (H.R. 140) to amend title 5, United States Code, to prohibit Federal employees from advocating for censorship of viewpoints in their official capacity, and for other purposes, offered by the gentleman from Ohio (Mr. LANDSMAN), on which the yeas and nays were ordered.

The Clerk will redesignate the motion.